

## REMARKS

### I. PRELIMINARY REMARKS

Claims 69-71 have been amended. Claims 20, 21, 24, 43, 44 and 72 have been canceled. No claims have been added. Claims 45-48, 50-54, 65, 66, 68-71, 73 and 74 remain in the application. Reexamination and reconsideration of the application, as amended, are respectfully requested.

The amendments above are not intended to change the scope of the claimed inventions and, instead, merely clarify claim 69 in response to a Section 112 rejection and place the subject matter recited in the "objected to" dependent claims in independent claims. Applicant respectfully submits that such amendments do not raise new issues and should be entered in accordance with MPEP §§ 714.12 and 714.13.

The Office Action correctly indicated that claim number "71" was skipped when claims 69-75 were added by amendment. This error resulted in claims 72-75 being mis-numbered. Accordingly, claims 72-75 have been renumbered above as claims 71-74.

The Office Action indicated that claims 45-48, 50-54, 65, 66 and 68 have been allowed and that claims 70, 71 and 72 (previously 70, 72 and 73) are directed to patentable subject matter. As claim 69 now calls for the subject matter recited in now-canceled 72 (previously 73) and claims 70 and 71 (previously 70 and 72) have been rewritten in independent form, applicant respectfully submits that claims 69-71, 73 and 74 are also in condition for allowance.<sup>1</sup>

With respect to the reasons for allowance presented on page 9 of the Office Action, applicant notes for the record that such statements are "not intended to necessarily state all the reasons for allowance or all the details why claims are allowed." [MPEP 1302.14.] Additionally, the inventions claimed in the present application respectively comprise various elements in combination. Applicant respectfully submits that the patentability of each invention derives from the claimed combination of

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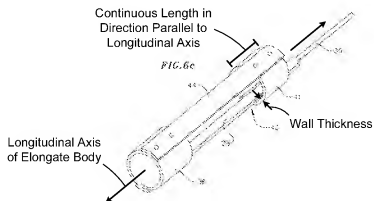
<sup>1</sup> Applicant notes that a minor typographical error which appeared in prior claims 70, 71 and 72 (previously 70, 72 and 73), i.e. the omission of the word "substantially" prior to "tubular" as it appeared in independent claim 69, has been corrected.

elements defining that invention, viewed as a whole, rather than from the presence of any particular element (or elements) in the combination.

## II. REJECTION UNDER 35 U.S.C. § 112

Claims 69-74 (previously 69, 70 and 72-75) have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The rejection is respectfully traversed because one of skill in the art would have understood what was being recited in claim 69 prior to the amendment above.

That issue notwithstanding, and referring to Figure 1 and to Figure 6c, which is reproduced below with indicia added to aid the discussion, one embodiment of the apparatus defined by amended claim 69 includes an elongate body (see Figure 1) defining a longitudinal axis, a steering wire (note steering wire portions 28 and 30), an anchoring member 36 secured to the steering wire, a stiffening member 44 secured to the anchoring member 36, and a substantially tubular member 41 secured to the stiffening member 44. Claim 69 indicates that the substantially tubular member 41 "defin[es] a continuous length in a direction parallel to the longitudinal axis and a wall thickness." In other words, the claimed length is continuous (not the sum of a plurality of spaced lengths) and claimed length is measured in a direction parallel to longitudinal axis. Claim 69 also states that "the continuous length [is] substantially greater than the wall thickness."



Applicant respectfully submits that one of skill in the art who had reviewed the present specification and drawings would understand what is defined by claim 69. As such, the rejection of claims 69-74 (previously 69, 70 and 72-75) under 35 U.S.C. § 112, second paragraph, should be withdrawn.

### **III. PRIOR ART REJECTIONS**

Claims 24, 43, and 44 have been rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 4,934,340 to Ebling patent ("the Ebling '340 patent"). Claims 20 and 21 have been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Ebling '340 patent and U.S. Patent No. 5,507,725 to Savage ("the Savage '725 patent"). Claims 69 and 74 (previously 75) have been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Ebling '340 patent and U.S. Patent No. 6,540,788 to Quiachon ("the Quiachon '788 patent"). Claim 73 (previously 74) has been rejected under 35 U.S.C. § 103 as being unpatentable over the combined teachings of the Ebling '340 patent, the Quiachon '788 patent, and the Savage '725 patent. As claims 20, 21, 24, 43 and 44 have been canceled and claim 69 has been rewritten so as to recite allowable subject matter, the rejections under 35 U.S.C. § 103 have been rendered moot.<sup>2</sup>

### **IV. CLOSING REMARKS**

In view of the foregoing, it is respectfully submitted that the claims in the application are in condition for allowance. Reexamination and reconsideration of the application, as amended, are respectfully requested. Allowance of the claims at an early date is courteously solicited.

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<sup>2</sup> Applicant notes that the claim cancelations and amendments are not an acquiescence to the rejections and hereby reserves the right to pursue, *inter alia*, the subject matter defined by canceled claims 20, 21, 24, 43 and 44, and claims 69, 74 and 75 as they stood prior to the amendment above, in a continuation application.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call applicant's undersigned representative at (310) 563-1458 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 50-0638. Should such fees be associated with an extension of time, applicant respectfully requests that this paper be considered a petition therefor.

Respectfully submitted,

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Date

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